

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

GERALDINE A. TRICE,
 Plaintiff,

vs.

JP MORGAN CHASE BANK, et al.,
 Defendants.

Case No. 2:15-cv-01614-APG-NJK

ORDER GRANTING MOTION
 TO STAY DISCOVERY

(Docket No. 25)

Pending before the Court is Defendants' motion to stay discovery pending resolution of their motions to dismiss with prejudice. Docket No. 25; *see also* Docket No. 13, 15 (motions to dismiss). The Court has considered Defendants' motion and Plaintiff's response. Docket Nos. 25, 26. No reply is needed. The Court finds the matter properly resolved without oral argument. *See* Local Rule 78-2. For the reasons discussed below, the motion to stay is hereby **GRANTED**.

"The Federal Rules of Civil Procedure do not provide for automatic or blanket stays of discovery when a potentially dispositive motion is pending." *Tradebay, LLC v. eBay, Inc.*, 278 F.R.D. 597, 601 (D. Nev. 2011). The case law in this District makes clear that requests to stay all discovery may be granted when: (1) the pending motions are potentially dispositive; (2) the potentially dispositive motions can be decided without additional discovery; and (3) the Court has taken a "preliminary peek" at the

1 merits of the potentially dispositive motions and is convinced that the plaintiff will be unable to state
2 a claim for relief. *See Kor Media Group, LLC v. Green*, 294 F.R.D. 579, 581 (D. Nev. 2013).¹

3 Having reviewed the underlying motions to dismiss, the Court finds that these elements are
4 present in this case and **GRANTS** the motion to stay discovery. Docket No. 25. If the motions to
5 dismiss are not granted in full, the parties shall file a proposed discovery plan within seven days of the
6 issuance of the order resolving the first motion to dismiss that is decided.

7 IT IS SO ORDERED.

8 DATED: November 9, 2015.

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11 NANCY J. KOPPE
12 United States Magistrate Judge
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25 ¹Conducting this preliminary peek puts the undersigned in an awkward position because the assigned
26 district judge who will decide the motions to dismiss may have a different view of their merits. *See*
27 *Tradebay*, 278 F.R.D. at 603. The undersigned's "preliminary peek" at the merits of those motions is not
28 intended to prejudice their outcome. *See id.*